

Executive Registry

62-4793/4

Honorable Harry F. Byrd
United States Senate
Washington 25, D.C.

Dear Senator Byrd:

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This is in response to your letter of 10 July 1962 to the Director inquiring about the circumstances of our decision to terminate the employment of [redacted]. Inasmuch as certain aspects of [redacted] case involve questions as to the legality of the exercise of certain authorities by the Director of Central Intelligence, I am taking the liberty of replying to your letter, as I did in a previous instance. However, should you desire a position from the Director, he would be glad to respond.

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[redacted] case was considered by the Agency under the same program which has been described to you previously. He was advised on 20 June 1962 that he had been found to be surplus to our needs for personnel in his career field and that his employment with the Agency would be terminated. This action was taken under a man power control program established over a year ago and some thirty employees have been released from the Agency under similar circumstances during the past year. In [redacted] case, as in the other similar cases of employees who were determined to be surplus in their respective career fields, every effort has been made to place him in another career field in the Agency. These efforts have been unavailing in his case.

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[redacted] has elected to appeal the termination decision. His appeal has been investigated by our Inspector General who has found no basis for changing the decision in his case. I have reviewed [redacted] STAT
entire case record and I have concurred in the Inspector General's position.
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Final action on [redacted] appeal will now be taken by the Director of Central Intelligence.

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One of the arguments put forth by [] in his appeal relates to the authority granted the Director of Central Intelligence under section 102(c) of the National Security Act. This section provides that, notwithstanding the provisions of any other law, "...the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interest of the United States...." [] contends that the termination of his employment under this authority is an improper exercise of an authority which, in his opinion, is limited to certain specific situations. Section 102(c) has been reviewed, on several occasions, by the courts and the decisions rendered in those instances do not support [] contention.

As I indicated previously, [] case is now awaiting a final determination by the Director of Central Intelligence. I shall be pleased to advise you when that determination is made. However, I trust that the information provided herein will be of assistance to you in your dealings with []

Sincerely,

Lawrence R. Houston
General Counsel

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OGC/LC/GLC:jmd (17 July 62)

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